Vol. VII. Numb. 23

THE OBSERVATOR.

An Account of a Gentleman of the Laws being barbarously treated by Officers and Soldiers, for performing the Duty of his Office: With Reflexions upon it. A Proposal of a Test, instead of that call'd the Sacramental Test, to keep Papists and ill Men out of Places of Power and Trust.

From Saturday, May 22. to Wednesday, May 26. 1708.

Country-m. I Have now brought you the Copy of the Affidavit, Master, about some Officers and Soldiers, who abus'd a Gentleman of the Law, for serving a *Subpœna* upon a Captain.

Obs. I perceive 'tis very long, *Roger*, therefore tell me the Substance of it.

Country-m. 'Tis thus, Master: 'A Gentleman of 'the Six Clerks Office, serv'd a *Subpœna* upon Capt. '----, some Time ago, in the Camp near *Newport*, in the *Isle of Wight*; upon which, the Captain gave him abusive Language, kick'd and beat 'him, so that the Gentleman was forc'd to go to the 'Adjutant of the Regiment's Tent for Protection. 'Soon after, about 12 Soldiers came and dragg'd 'him out by the Heels; the Captain stamp'd on 'him, the Soldiers stripp'd him of his Neck-cloth 'and Coat, with Papers, and other Things in the 'Pockets of it, that he never had again. Then the 'Captain tore the Gentleman's Coat and Shirt, so 'as his naked Back was expos'd to the Weather. 'The Deponent got again into the Tent, begg'd a 'Reconciliation with the Captain; assuring him, 'that what had been done, should go for nothing. 'At the same Time, Lieutenant ----, of the 'same Regiment, came into the Tent cursing and 'swearing, and told the Captain, that if he put 'this up, he should never forgive him, but look 'upon him as a Rascal and Coward, or Words to 'that Effect. After this, the Captain and his Accomplices oblig'd the Deponent to sign a Note to 'disown his having serv'd the said *Subpœna*; and 'that he would be no farther concern'd against the 'said Captain, on Forfeiture of 10000 *l.* which the 'Deponent sign'd, to save his Life; believing, that 'he should have been murder'd, had he refus'd it. 'The Adjutant being unwilling, that the Deponent should go Home in that naked Condition 'in the Cold and Rain, lent him Cloaths, and 'sent his Servant to shew him the Way to *Newport*, 'it being Night, and very dark; but he had scarce 'gone a Quarter of a Mile, 'till he was again set 'upon by several Soldiers, who stripp'd him of the 'Cloaths lent him by the Adjutant, of his Money, 'a Gold Ring, his Belt, Boots, Silver Spurs, and 'several other Things, and left him nothing but 'his Breeches, out of which they cut the Pockets. 'After this, the Soldiers beat him, turn'd him out 'of his Way, and made him run stark naked (except his torn Breeches) and bare-footed, over Furze, 'and Thorny Bushes, and Hedges, and bidding 'him to run for his Life. The Deponent was above an Hour in this Condition, was scratch'd 'with Bushes, and had several Thorns in his Feet, 'was almost dead with Cold, before he could get 'any Relief; and was forc'd to keep his Bed about 'a Week, before he could go Abroad. Four of the 'Soldiers who thus abus'd him, being examin'd before the Lieutenant Governor of the Island, they 'confess'd they were order'd so to do by the Lieutenant. Some Time after, the Deponent being 'invited to Dinner with some Officers at *West Cowes*, 'in the *Isle of Wight*, the said Lieutenant came in, 'and those Officers discoursing of the Matter, the 'Lieutenant said he would make it neither better 'or worse; and own'd he gave Orders to the Soldiers to strip the said ----, but not to murder 'him. Upon the Deponent's Request, the Lieutenant restor'd him the Note of 10000 *l.* which he 'was forc'd to sign to save his Life; and order'd 'a Soldier, whom the Deponent believes to be the 'Lieutenant's Servant, to deliver the Deponent his 'Things; upon which, the Soldier deliver'd him a 'Hat, a Periwig, a Belt, a Pair of Boots, and Silver Spurs, of which, among other Things, the 'Deponent had been robb'd.

This is the Story, Master, pray give me your Thoughts on't?

Obs. Thoughts on't, *Roger!* Every Man must think very ill on't, that has the least Regard to her Majesty's Authority, or the Liberty of the Subject; for a more audacious and barbarous Affront of the Kind, can scarcely be put upon either. What, did the Gentleman make no Application to the Government for a Redress?

Country-m. Yes, Master, he did, and both the Officers were order'd to surrender, on Pain of being broke; upon which, the Lieutenant has surrender'd, and is in Custody; but I don't hear any Thing of the Captain, yet.

Obs. I think, *Roger*, the Gentleman thus abus'd, will be very much wanting to himself, and to all his Fellow Subjects, if he don't prosecute those Officers to the utmost Extremity of the Law; wherein he has no Reason to doubt of the Concurrence of the Government, who have already done him so much Justice. In the mean Time, we may see what good Patriots those Men are, who have begun already to talk of a Standing-Army in Time of Peace.

Country-m. Aye, Master; and we may by this see, that the Sacramental Test is far from making Men either good Subjects, or good Christians; for I doubt not, but both the Captain and the Lieutenant took it.

Obs. I don't question that, *Roger*; but 'tis the natural Consequence of such an Abuse of that most solemn Ordinance. For when Men of no Religion see it prostituted contrary to our Saviour's Institution, and the very Nature of the Thing, to be a *Shibboleth*, or Mark of Division and Distinction among Fellow Subjects and Christians; and that it is expos'd to the most unworthy Receivers, they can't chuse but have a mean Opinion of it; and by this Means, are lay'd under a Temptation, *to trample under Foot, the Blood of the Son of God, and to account it a common Thing.* This I hope our Legislators will take into Consideration at next Meeting, and not suffer us to lie any longer under such a tremendous National Guilt, by obliging unworthy Receivers to eat and drink their own Damnation, for the Sake of a Post or Place; which is the greatest Prophanation of the holy Sacrament, that can be, and a direct *casting of Pearls to Dogs and Swine.*

Country-m. But they object, Master, that if the Test be repeal'd, we have no Security against Papishes getting into Places of Power and Trust.

Obs. That's a false Pretence, *Roger*; for that might easily be provided against, without obliging Men to prophane the Sacrament, by taking it unworthily; or bearing hard upon the Consciences of those, who, tho' they have no Scruple to take it according to the Usage of the Church of *England*,

yet

yet don't think it lawful to take it for any other End, than our Saviour has appointed it.

Country-m. Pray tell me how, Master?

Obj. Papists might easily be excluded from all Places of Power and Trust, by obliging every Person who is admitted to any Office, or Place of Profit or Trust, to declare, without coming to the Sacrament, according to the Clause of 25 *Car.* 2. Cap. 2. 'I *A. B.* do declare, that I do believe, that 'there is not any Transubstantiation in the Sacra-'ment of the Lord's Supper, or in the Elements of 'Bread and Wine, at or after the Consecration 'thereof, by any Person whatsoever.

Country-m. I think you are in the Right, Master; for I remember, in the Book of Martyrs, the main Tryal of the Protestants, was upon the Point of Transubstantiation; which shews, that the Church of *Rome* lays so great a Stress on that Point, that those of her Communion can never renounce it, without the grossest Prevarication.

Obj. We might easily meet with their Prevarication upon this Head, *Roger*, by enjoining the Parliamentary Test in 30 *Car.* 2. Sect. 2. Cap. 1. *viz.* 'I *A. B.* do solemnly, in the Presence of 'God, profess, testify, and declare, that I do 'believe, that in the Sacrament of the Lord's 'Supper, there is not any Transubstantiation of 'the Elements of Bread and Wine into the Body 'and Blood of Christ, at or after the Consecration 'thereof, by any Person whatsoever; and that the 'Invocation or Adoration of the Virgin *Mary*, or 'any other Saint; and the Sacrifice of the Mass, as 'they are now us'd in the Church of *Rome*, are 'superstitious and idolatrous. And I do solemn-'ly, in the Presence of God, profess, testify, and 'declare, that I do take this Declaration, and e-'very Part thereof, in the plain and ordinary Sense 'of the Words read unto me, as they are common-'ly understood by *English* Protestants, without a-'ny *Evasion, Equivocation, or mental Reservation* 'whatsoever; and without any Dispensation alrea-'dy granted me for this Purpose by the Pope, or 'any other Authority or Person whatsoever; or 'without any Hope of any such Dispensation from 'any Person or Authority whatsoever; or without 'thinking, that I am, or can be acquitted before 'God or Man, or absolv'd of this Declaration, or 'any Part thereof, altho' the Pope, or any other 'Person or Persons, or Power whatsoever, should 'dispense with, or annul the same, or declare, that 'it was null and void from the Beginning.

And that we may still be more sure, *Roger*, let all Persons, when they come to be admitted to Places of Power and Trust, be oblig'd to renounce the Pope's Supremacy, as Christ's Vicar over the Catholick Church, or any Part of it.

Country-m. Well, Master, I think you have silenc'd that Objection for ever, that without the Sacramental Test, we cannot keep Papishes out of Places of Power and Trust. But what do you propose to keep out Atheists and Deists? For they being Men of no Religion, may lie under a Temptation to be bought by our Enemies, to betray both Church and State.

Obj. Tis impossible to make any Law, *Roger*, that's capable of keeping out Hypocrites, and such Men as you speak of; but the best Way I can think of, is, that none be promoted, but such as are known to be Men of good Lives, and that bring Certificates under the Hands of the Ministers and Church-Wardens of the Church of *England*, or under the Hands of Ministers and Elders, or other reputable Persons of dissenting Congregations, that they are constant Frequenters of the Ordinances in the Church of *England*, or in one or other of those dissenting Churches or Societies, that are tolerated by the Laws of *England*, and have taken such Oaths to the civil Government, as are enjoin'd, in Order to be Tests of their Loyalty. For in my Opinion, *Roger*, an Atheist, a Rake, or a declar'd Enemy to reveal'd Religion, as 'tis contain'd in the holy Scriptures, are as unworthy of Trust, as a Papist.

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